

24.59(2) Action taken by child support recovery unit. The child support recovery unit shall contact the claimant so that an opportunity is afforded to the claimant for a signed agreement to have a specified amount deducted and withheld from the claimant's benefits. The child support recovery unit shall submit a copy of the signed agreement to the department of workforce development and the department shall deduct and withhold the amount specified in the agreement.

24.59(3) Garnishments. Failure of the child support recovery unit to reach an agreement with the claimant for a specified amount to be deducted may result in the child support recovery unit initiating a garnishment action through legal process under Iowa Code chapter 642. The department of workforce development shall deduct and withhold from the claimant's benefits the amount specified. Notwithstanding section 96.15, benefits under chapter 96 are not exempt from garnishment, attachment, or execution if garnished by the child support recovery unit as established in Iowa Code section 252B.2, to satisfy the child support obligation of an individual who is eligible under this chapter. Child support obligation is defined as only those obligations which are enforced pursuant to the plan as described in Section 454 of the Social Security Act under Part D of Title IV entitled "State Plan for Child Support."

24.59(4) Treatment of amount deducted for child support. Any amount deducted from unemployment insurance payments for child support obligations shall be treated as if it were paid to the individual as benefits under Iowa Code chapter 96.

24.59(5) Processing of payments. The child support recovery unit shall furnish to the department the name and address of the designated public official to which the amount deducted must be mailed. After the deduction, the remaining balance shall be mailed to the claimant.

24.59(6) Notice to claimant. The department shall mail a notice to the claimant which explains the beginning date and the amount of the deduction from the claimant's weekly benefit amount which satisfies the individual's child support obligation to the child support recovery unit. This notice will be issued when the first deduction is made from the benefit warrant. The notice shall explain the authority for the deduction and include the claimant's right of appeal.

24.59(7) Appeal rights on the child support deduction.

a. Any appeal on a child support deduction is limited to either the validity of workforce development's authority to make the deduction or the accuracy of the amount deducted.

b. The claimant will be advised to seek remedy either through the child support recovery unit or through the court system whenever the question of reasonableness or fairness of the deducted amount is raised in terms of ability to pay.

c. The department does not have the authority under Iowa Code chapter 96 to change the amount of the deduction as specified by garnishment or voluntary agreement or to adjudicate any appeal from garnishment or voluntary agreement.

This rule is intended to implement Iowa Code sections 96.3 and 96.20 and Public Law 97-35.

871—24.60(96) Alien. Any person who is not a citizen or a national of the United States. A national is defined as a person who lives in mandates or trust territories administered by the United States and owes permanent allegiance to the United States. An alien is a person owing allegiance to another country or government.

24.60(1) Section 3304(a)(14) of the Federal Unemployment Tax Act requires that the state law deny benefits which are based on services performed by an alien who has not been legally admitted to the country as a permanent resident. This provision does not deny benefits on the basis of services performed by noncitizens. It applies to services performed by individuals who do not have legal status of permanent residence in this country.

24.60(2) It is required that information designed to identify illegal nonresident aliens shall be requested of all claimants for benefits. This shall be accomplished by asking each claimant at the time the individual establishes a benefit year whether or not the individual is a citizen.

a. If the response is "yes," no further proof is necessary and the claimant's records are to be marked accordingly.

b. If the answer is “no,” the claimant shall be requested to present documentary proof of legal residency. Any individual who does not show proof of legal residency at the time of claim filing shall be disqualified from receiving benefits until such time as the required proof of their status is brought to the local office. The principal documents showing legal entry for permanent residency are the Form I-94 “Arrival and Departure Record” and the Forms I-151 and I-551 “Alien Registration Receipt Card.” These forms are issued by the immigration and naturalization service and should be accepted unless the proof is clearly faulty or there are reasons to doubt their authenticity.

c. Any or all documents presented to the department by an alien shall be subject to verification with the immigration and naturalization service. The citizenship question shall be included on the initial claim form so that the response will be subject to the provisions of rule 24.56(96), administrative penalties, and rule 871—25.10(96), prosecution on overpayments.

d. As part of the initial claim filing procedure, every individual claiming benefits with an alien registration number in the A90 000 000 series shall sign a Form 68-0647, Consent of Disclosure. Benefits will be released only when the Immigration and Naturalization Service verifies that the employment authorization meets the able and available requirements for eligibility.

24.60(3) Disqualification of aliens.

a. Aliens shall be disqualified for services performed unless such alien is an individual who:

- (1) Was lawfully admitted for permanent residence at the time such services were performed or;
- (2) Was lawfully present in this country for purpose of performing such service or;
- (3) Was permanently residing in this country under color of law at the time such services were performed.

b. Color of law permanent residence is defined as:

- (1) An alien admitted as a refugee under Section 207 of the Immigration and Nationality Act, 8 U.S.C. 1157, in effect after March 31, 1980;
- (2) An alien granted asylum by the attorney general of the United States under Section 208 of the Immigration and Nationality Act, 8 U.S.C. 1158;
- (3) An alien granted a parole into the United States for an indefinite period under Section 212(d)(5)(B) of the Immigration and Nationality Act, 8 U.S.C. 1182(d)(5)(B);
- (4) Reserved.
- (5) An alien who entered the United States prior to June 30, 1948, and who is eligible for lawful permanent residence pursuant to Section 249 of the Immigration and Nationality Act, 8 U.S.C. 1259; or
- (6) An alien who has been formally granted deferred action or nonpriority status by the immigration and naturalization service.

24.60(4) Certain nonimmigrants may perform service in this country. All nonimmigrant aliens 18 years and older are required by law to carry alien registration card Form I-94. The immigration and naturalization service places a symbol on the Form I-94 which indicates eligibility to perform service in this country.

a. Nonimmigrant aliens who are allowed to perform certain types of service are:

Class of worker	Symbol on I-94	Employment Permitted
(1) Ambassador, Consular officers and their immediate families	A-1	May accept employment with permission from the Department of State and the Immigration Service. I-94 will be stamped: “Employment Authorized.”
(2) Other foreign government officials and their immediate families.	A-2	Same as for A-1.

(3)	Treaty trader, spouse and children	E-1	Admitted to work for a specific employer or as a sole proprietorship or partnership.
	Treaty investor, spouse and children	E-2	
(4)	Student	F-1	May accept employment of up to 20 hours per week with permission from the Immigration Service. I-94 will be stamped: "Employment Authorized." Employment should not displace a USC or permanent resident alien.
		M-1	
(5)	Representatives of foreign governments to international organization such as the U.N.	G-1	May accept employment if approved by the Department of State and the Immigration Service. I-94 will be stamped: "Employment Authorized."
		G-2	
		G-3	
		G-4	
		G-5	
(6)	Temporary worker of distinguished merit and ability	H-1	Are admitted to work on a petition of an employer. Can only work for that employer unless permission is granted by the Immigration Service to change employers.
(7)	Temporary workers performing services unavailable in the U.S.	H-2	Same as for H-1.
(8)	Trainee	H-3	Same as for H-1.
(9)	Exchange visitor Spouse and children	J-1	May be admitted to work in a specific program or may be granted permission to work after entry. I-94 will be stamped: "Employment Authorized."
		J-2	
(10)	Fiancé or fiancée of USC entering solely to conclude valid marriage Child of a K-1	K-1	May accept employment upon approval of the Immigration Service. I-94 will be stamped: "Employment Authorized."
		K-2	
(11)	Intra company transferee entering to continue employment with same employer. Dependents.	L-1	Admitted upon petition by an employer. May only work for that employer.
		L-2	May accept employment if approved by the Immigration Service. I-94 will be stamped: "Employment Authorized."
(12)	NATO representatives	NATO-1	Dependents may accept employment with approval of the Immigration Service. I-94 will be stamped: "Employment Authorized."
		NATO-2	
		NATO-3	
		NATO-4	
		NATO-5	
		NATO-6	
		NATO-7	

b. Immigrant aliens who are not allowed to perform services are:

Class of worker	Symbol on I-94	Employment Status
(1) Attendant, servant or personal employee of an A-1 or A-2	A-3	May not accept employment.
(2) Temporary visitor for business	B-1	May not accept employment.
(3) Temporary visitor for pleasure	B-2	May not accept employment.
(4) Alien in transit	C-1 C-2 C-3	May not accept employment.
(5) Transit without a visa	TRWOV	May not accept employment.
(6) Seaman	D-1 D-2	May not accept employment.
(7) Dependent of student	F-2 M-2	May not accept employment.
(8) Spouse or child of an H-1, H-2 or H-3	H-4	May not accept employment.
(9) Representative of foreign information media including spouse and children	I	May not accept employment.

This rule is intended to implement Iowa Code section 96.5(10).

- [Filed 12/29/55; amended 12/29/58, 6/23/59, 12/4/59, 11/22/61, 4/21/72]
- [Filed 10/28/75, Notice 9/22/75—published 11/17/75, effective 12/23/75]
- [Filed 4/29/76, Notice 3/22/76—published 5/17/76, effective 6/21/76]
- [Filed 12/9/76, Notice 11/3/76—published 12/29/76, effective 2/2/77]
- [Filed 9/30/77, Notice 8/24/77—published 10/19/77, effective 11/23/77]
- [Filed 5/24/78, Notice 4/5/78—published 6/14/78, effective 7/19/78]
- [Filed 8/17/78, Notice 6/28/78—published 9/6/78, effective 10/11/78]
- [Filed 12/22/78, Notice 11/15/78—published 1/10/79, effective 2/14/79]
- [Filed emergency 6/22/79—published 7/11/79, effective 7/1/79]
- [Filed 10/12/79, Notice 6/27/79—published 10/31/79, effective 12/5/79]
- [Filed emergency 11/29/79—published 12/26/79, effective 11/29/79]
- [Filed 2/12/80, Notice 10/31/79—published 3/5/80, effective 4/9/80]
- [Filed 7/31/80, Notice 4/30/80—published 8/20/80, effective 9/24/80]
- [Filed 12/4/80, Notice 10/1/80—published 12/24/80, effective 1/28/81]
- [Filed 4/10/81, Notice 2/18/81—published 4/29/81, effective 6/4/81]
- [Filed emergency 6/15/81—published 7/8/81, effective 7/1/81]
- [Filed 11/6/81, Notice 7/8/81—published 11/25/81, effective 12/30/81]
- [Filed 4/23/82, Notice 11/25/81—published 5/12/82, effective 6/17/82]
- [Filed 8/26/82, Notice 7/21/82—published 9/15/82, effective 10/20/82]
- [Filed emergency 9/10/82—published 9/29/82, effective 9/10/82*]
- [Filed 10/8/82, Notice 8/18/82—published 10/27/82, effective 12/2/82]
- [Filed emergency 10/25/82—published 11/24/82, effective 10/25/82]
- [Filed 1/27/83, Notice 10/13/82—published 2/16/83, effective 3/23/83]
- [Filed 3/11/83, Notices 11/25/81, 5/26/82—published 3/30/83, effective 5/5/83]
- [Filed 3/28/83, Notice 2/16/83—published 4/13/83, effective 5/18/83]

*See rule 4.50(96)
History continued on next page.

[Filed emergency 3/31/83—published 4/27/83, effective 4/1/83]
[Filed emergency 6/27/83—published 7/20/83, effective 7/1/83]
[Filed emergency 8/3/83—published 8/31/83, effective 8/3/83]
[Filed 2/10/84, Notice 8/31/83—published 2/29/84, effective 4/5/84]
[Filed 5/2/84, Notice 2/29/84—published 5/23/84, effective 6/27/84]
[Filed 4/27/84, Notice 2/29/84—published 5/23/84, effective 6/28/84]
[Filed emergency 6/1/84—published 6/20/84, effective 6/1/84]
[Filed 8/24/84, Notice 6/20/84—published 9/12/84, effective 10/17/84]
[Filed 1/11/85, Notice 8/29/84—published 1/30/85, effective 3/6/85]
[Filed 1/14/85, Notice 10/24/84—published 1/30/85, effective 3/6/85]
[Filed 8/30/85, Notice 7/3/85—published 9/25/85, effective 10/30/85]
[Filed 9/20/85, Notice 8/14/85—published 10/9/85, effective 11/13/85]
[Filed emergency 6/13/86—published 7/2/86, effective 7/1/86]
[Filed emergency 9/5/86—published 9/24/86, effective 9/5/86]
[Filed emergency 10/1/86—published 10/22/86, effective 10/1/86]
[Filed emergency 10/31/86—published 11/19/86, effective 10/31/86]
[Filed 11/7/86, Notice 8/13/86—published 12/3/86, effective 1/7/87]
[Filed 12/8/86, Notice 10/22/86—published 12/31/86, effective 2/4/87]
[Filed 1/13/87, Notice 11/19/86—published 1/28/87, effective 3/4/87]
[Filed emergency 6/12/87—published 7/1/87, effective 7/1/87]
[Filed 6/12/87, Notice 4/8/87—published 7/1/87, effective 8/5/87]
[Filed 6/12/87, Notice 5/6/87—published 7/1/87, effective 8/5/87]
[Filed 7/24/87, Notice 6/3/87—published 8/12/87, effective 9/16/87]
[Filed 9/4/87, Notice 7/1/87—published 9/23/87, effective 10/28/87]
[Filed emergency 10/30/87—published 11/18/87, effective 12/1/87]
[Filed 1/8/88, Notice 11/18/87—published 1/27/88, effective 3/2/88]
[Filed 2/19/88, Notice 12/30/87—published 3/9/88, effective 4/13/88]
[Filed 4/1/88, Notice 2/10/88—published 4/20/88, effective 5/25/88]
[Filed 6/24/88, Notice 4/20/88—published 7/13/88, effective 8/17/88]
[Filed 8/5/88, Notice 6/29/88—published 8/24/88, effective 9/28/88]
[Filed 11/14/88, Notices 8/24/88, 10/19/88—published 11/30/88, effective 1/4/89]
[Filed 11/23/88, Notice 10/19/88—published 12/14/88, effective 1/18/89]
[Filed 2/3/89, Notice 12/28/88—published 2/22/89, effective 3/29/89]
[Filed 3/31/89, Notice 2/22/89—published 4/19/89, effective 5/24/89]
[Filed 6/23/89, Notice 5/17/89—published 7/12/89, effective 8/16/89]
[Filed 9/29/89, Notice 8/23/89—published 10/18/89, effective 11/22/89]
[Filed 3/30/90, Notice 2/21/90—published 4/18/90, effective 5/23/90]
[Filed 6/22/90, Notice 5/16/90—published 7/11/90, effective 8/15/90]
[Filed 9/28/90, Notice 8/22/90—published 10/17/90, effective 11/21/90]
[Filed 12/21/90, Notice 11/14/90—published 1/9/91, effective 2/13/91]
[Filed 7/30/91, Notice 6/12/91—published 8/21/91, effective 9/25/91]
[Filed 9/13/91, Notice 8/7/91—published 10/2/91, effective 11/6/91]
[Filed 5/22/92, Notice 4/15/92—published 6/10/92, effective 7/15/92]

[Filed emergency 4/23/93—published 5/12/93, effective 6/1/93]
[Filed 6/17/93, Notice 5/12/93—published 7/7/93, effective 8/11/93]
[Filed 9/10/93, Notice 8/4/93—published 9/29/93, effective 11/3/93]
[Filed 11/16/94, Notice 9/14/94—published 12/7/94, effective 1/11/95]
[Filed 6/16/95, Notice 5/10/95—published 7/5/95, effective 8/9/95]
[Filed 12/28/95, Notice 11/22/95—published 1/17/96, effective 2/21/96]
[Filed 8/22/96, Notice 7/17/96—published 9/11/96, effective 10/16/96]
[Transferred from 345—Ch 4 to 871—Ch 24 IAC Supplement 3/12/97]
[Filed 1/20/99, Notice 12/16/98—published 2/10/99, effective 3/17/99*]
[Filed 7/9/99, Notice 6/2/99—published 7/28/99, effective 9/1/99]
[Filed 10/24/01, Notice 9/19/01—published 11/14/01, effective 12/19/01]

*Effective date of 24.26(14) and 24.26(15) delayed 70 days by the Administrative Rules Review Committee at its meeting held March 8, 1999.